



Sen. Linda Holmes

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LRB097 09978 HEP 51859 a

1 AMENDMENT TO SENATE BILL 1669

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1669 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 6-106.1, 6-106.11, 12-707.01, 13-101, and  
6 13-109 and by adding Section 6-106.12 as follows:

7 (625 ILCS 5/6-106.1)

8 Sec. 6-106.1. School bus driver permit.

9 (a) The Secretary of State shall issue a school bus driver  
10 permit to those applicants who have met all the requirements of  
11 the application and screening process under this Section to  
12 insure the welfare and safety of children who are transported  
13 on school buses throughout the State of Illinois. Applicants  
14 shall obtain the proper application required by the Secretary  
15 of State from their prospective or current employer and submit  
16 the completed application to the prospective or current

1 employer along with the necessary fingerprint submission as  
2 required by the Department of State Police to conduct  
3 fingerprint based criminal background checks on current and  
4 future information available in the state system and current  
5 information available through the Federal Bureau of  
6 Investigation's system. Applicants who have completed the  
7 fingerprinting requirements shall not be subjected to the  
8 fingerprinting process when applying for subsequent permits or  
9 submitting proof of successful completion of the annual  
10 refresher course. Individuals who on the effective date of this  
11 Act possess a valid school bus driver permit that has been  
12 previously issued by the appropriate Regional School  
13 Superintendent are not subject to the fingerprinting  
14 provisions of this Section as long as the permit remains valid  
15 and does not lapse. The applicant shall be required to pay all  
16 related application and fingerprinting fees as established by  
17 rule including, but not limited to, the amounts established by  
18 the Department of State Police and the Federal Bureau of  
19 Investigation to process fingerprint based criminal background  
20 investigations. All fees paid for fingerprint processing  
21 services under this Section shall be deposited into the State  
22 Police Services Fund for the cost incurred in processing the  
23 fingerprint based criminal background investigations. All  
24 other fees paid under this Section shall be deposited into the  
25 Road Fund for the purpose of defraying the costs of the  
26 Secretary of State in administering this Section. All

1 applicants must:

2 1. be 21 years of age or older;

3 2. possess a valid and properly classified driver's  
4 license issued by the Secretary of State;

5 3. possess a valid driver's license, which has not been  
6 revoked, suspended, or canceled for 3 years immediately  
7 prior to the date of application, or have not had his or  
8 her commercial motor vehicle driving privileges  
9 disqualified within the 3 years immediately prior to the  
10 date of application;

11 4. successfully pass a written test, administered by  
12 the Secretary of State, on school bus operation, school bus  
13 safety, and special traffic laws relating to school buses  
14 and submit to a review of the applicant's driving habits by  
15 the Secretary of State at the time the written test is  
16 given;

17 5. demonstrate ability to exercise reasonable care in  
18 the operation of school buses in accordance with rules  
19 promulgated by the Secretary of State;

20 6. demonstrate physical fitness to operate school  
21 buses by submitting the results of a medical examination,  
22 including tests for drug use for each applicant not subject  
23 to such testing pursuant to federal law, conducted by a  
24 licensed physician, an advanced practice nurse who has a  
25 written collaborative agreement with a collaborating  
26 physician which authorizes him or her to perform medical

1 examinations, or a physician assistant who has been  
2 delegated the performance of medical examinations by his or  
3 her supervising physician within 90 days of the date of  
4 application according to standards promulgated by the  
5 Secretary of State;

6 7. affirm under penalties of perjury that he or she has  
7 not made a false statement or knowingly concealed a  
8 material fact in any application for permit;

9 8. have completed an initial classroom course,  
10 including first aid procedures, in school bus driver safety  
11 as promulgated by the Secretary of State; and after  
12 satisfactory completion of said initial course an annual  
13 refresher course; such courses and the agency or  
14 organization conducting such courses shall be approved by  
15 the Secretary of State; failure to complete the annual  
16 refresher course, shall result in cancellation of the  
17 permit until such course is completed;

18 9. not have been under an order of court supervision  
19 for or convicted of 2 or more serious traffic offenses, as  
20 defined by rule, within one year prior to the date of  
21 application that may endanger the life or safety of any of  
22 the driver's passengers within the duration of the permit  
23 period;

24 10. not have been under an order of court supervision  
25 for or convicted of reckless driving, aggravated reckless  
26 driving, driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or  
2 any combination thereof, or reckless homicide resulting  
3 from the operation of a motor vehicle within 3 years of the  
4 date of application;

5 11. not have been convicted of committing or attempting  
6 to commit any one or more of the following offenses: (i)  
7 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
8 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
9 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,  
10 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,  
11 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
12 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,  
13 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
14 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
15 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,  
16 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
17 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,  
18 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,  
19 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,  
20 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of  
21 Section 8-1, and in subsection (a) and subsection (b),  
22 clause (1), of Section 12-4, and in subsection (A), clauses  
23 (a) and (b), of Section 24-3, and those offenses contained  
24 in Article 29D of the Criminal Code of 1961; (ii) those  
25 offenses defined in the Cannabis Control Act except those  
26 offenses defined in subsections (a) and (b) of Section 4,

1 and subsection (a) of Section 5 of the Cannabis Control  
2 Act; (iii) those offenses defined in the Illinois  
3 Controlled Substances Act; (iv) those offenses defined in  
4 the Methamphetamine Control and Community Protection Act;  
5 (v) any offense committed or attempted in any other state  
6 or against the laws of the United States, which if  
7 committed or attempted in this State would be punishable as  
8 one or more of the foregoing offenses; (vi) the offenses  
9 defined in Section 4.1 and 5.1 of the Wrongs to Children  
10 Act; (vii) those offenses defined in Section 6-16 of the  
11 Liquor Control Act of 1934; and (viii) those offenses  
12 defined in the Methamphetamine Precursor Control Act; ~~and~~

13 12. not have been repeatedly involved as a driver in  
14 motor vehicle collisions or been repeatedly convicted of  
15 offenses against laws and ordinances regulating the  
16 movement of traffic, to a degree which indicates lack of  
17 ability to exercise ordinary and reasonable care in the  
18 safe operation of a motor vehicle or disrespect for the  
19 traffic laws and the safety of other persons upon the  
20 highway;

21 13. not have, through the unlawful operation of a motor  
22 vehicle, caused an accident resulting in the death of any  
23 person; and

24 14. not have, within the last 5 years, been adjudged to  
25 be afflicted with or suffering from any mental disability  
26 or disease.

1           (b) A school bus driver permit shall be valid for a period  
2 specified by the Secretary of State as set forth by rule. It  
3 shall be renewable upon compliance with subsection (a) of this  
4 Section.

5           (c) A school bus driver permit shall contain the holder's  
6 driver's license number, legal name, residence address, zip  
7 code, social security number and date of birth, a brief  
8 description of the holder and a space for signature. The  
9 Secretary of State may require a suitable photograph of the  
10 holder.

11           (d) The employer shall be responsible for conducting a  
12 pre-employment interview with prospective school bus driver  
13 candidates, distributing school bus driver applications and  
14 medical forms to be completed by the applicant, and submitting  
15 the applicant's fingerprint cards to the Department of State  
16 Police that are required for the criminal background  
17 investigations. The employer shall certify in writing to the  
18 Secretary of State that all pre-employment conditions have been  
19 successfully completed including the successful completion of  
20 an Illinois specific criminal background investigation through  
21 the Department of State Police and the submission of necessary  
22 fingerprints to the Federal Bureau of Investigation for  
23 criminal history information available through the Federal  
24 Bureau of Investigation system. The applicant shall present the  
25 certification to the Secretary of State at the time of  
26 submitting the school bus driver permit application.

1 (e) Permits shall initially be provisional upon receiving  
2 certification from the employer that all pre-employment  
3 conditions have been successfully completed, and upon  
4 successful completion of all training and examination  
5 requirements for the classification of the vehicle to be  
6 operated, the Secretary of State shall provisionally issue a  
7 School Bus Driver Permit. The permit shall remain in a  
8 provisional status pending the completion of the Federal Bureau  
9 of Investigation's criminal background investigation based  
10 upon fingerprinting specimens submitted to the Federal Bureau  
11 of Investigation by the Department of State Police. The Federal  
12 Bureau of Investigation shall report the findings directly to  
13 the Secretary of State. The Secretary of State shall remove the  
14 bus driver permit from provisional status upon the applicant's  
15 successful completion of the Federal Bureau of Investigation's  
16 criminal background investigation.

17 (f) A school bus driver permit holder shall notify the  
18 employer and the Secretary of State if he or she is issued an  
19 order of court supervision for or convicted in another state of  
20 an offense that would make him or her ineligible for a permit  
21 under subsection (a) of this Section. The written notification  
22 shall be made within 5 days of the entry of the order of court  
23 supervision or conviction. Failure of the permit holder to  
24 provide the notification is punishable as a petty offense for a  
25 first violation and a Class B misdemeanor for a second or  
26 subsequent violation.



1 (g) Cancellation; suspension; notice and procedure.

2 (1) The Secretary of State shall cancel a school bus  
3 driver permit of an applicant whose criminal background  
4 investigation discloses that he or she is not in compliance  
5 with the provisions of subsection (a) of this Section.

6 (2) The Secretary of State shall cancel a school bus  
7 driver permit when he or she receives notice that the  
8 permit holder fails to comply with any provision of this  
9 Section or any rule promulgated for the administration of  
10 this Section.

11 (3) The Secretary of State shall cancel a school bus  
12 driver permit if the permit holder's restricted commercial  
13 or commercial driving privileges are withdrawn or  
14 otherwise invalidated.

15 (4) The Secretary of State may not issue a school bus  
16 driver permit for a period of 3 years to an applicant who  
17 fails to obtain a negative result on a drug test as  
18 required in item 6 of subsection (a) of this Section or  
19 under federal law.

20 (5) The Secretary of State shall forthwith suspend a  
21 school bus driver permit for a period of 3 years upon  
22 receiving notice that the holder has failed to obtain a  
23 negative result on a drug test as required in item 6 of  
24 subsection (a) of this Section or under federal law.

25 (6) The Secretary of State shall suspend a school bus  
26 driver permit for a period of 3 years upon receiving notice

1 from the employer that the holder failed to perform the  
2 inspection procedure set forth in subsection (a) or (b) of  
3 Section 12-816 of this Code.

4 The Secretary of State shall notify the State  
5 Superintendent of Education and the permit holder's  
6 prospective or current employer that the applicant has (1) has  
7 failed a criminal background investigation or (2) is no longer  
8 eligible for a school bus driver permit; and of the related  
9 cancellation of the applicant's provisional school bus driver  
10 permit. The cancellation shall remain in effect pending the  
11 outcome of a hearing pursuant to Section 2-118 of this Code.  
12 The scope of the hearing shall be limited to the issuance  
13 criteria contained in subsection (a) of this Section. A  
14 petition requesting a hearing shall be submitted to the  
15 Secretary of State and shall contain the reason the individual  
16 feels he or she is entitled to a school bus driver permit. The  
17 permit holder's employer shall notify in writing to the  
18 Secretary of State that the employer has certified the removal  
19 of the offending school bus driver from service prior to the  
20 start of that school bus driver's next workshift. An employing  
21 school board that fails to remove the offending school bus  
22 driver from service is subject to the penalties defined in  
23 Section 3-14.23 of the School Code. A school bus contractor who  
24 violates a provision of this Section is subject to the  
25 penalties defined in Section 6-106.11.

26 All valid school bus driver permits issued under this

1 Section prior to January 1, 1995, shall remain effective until  
2 their expiration date unless otherwise invalidated.

3 (h) When a school bus driver permit holder who is a service  
4 member is called to active duty, the employer of the permit  
5 holder shall notify the Secretary of State, within 30 days of  
6 notification from the permit holder, that the permit holder has  
7 been called to active duty. Upon notification pursuant to this  
8 subsection, (i) the Secretary of State shall characterize the  
9 permit as inactive until a permit holder renews the permit as  
10 provided in subsection (i) of this Section, and (ii) if a  
11 permit holder fails to comply with the requirements of this  
12 Section while called to active duty, the Secretary of State  
13 shall not characterize the permit as invalid.

14 (i) A school bus driver permit holder who is a service  
15 member returning from active duty must, within 90 days, renew a  
16 permit characterized as inactive pursuant to subsection (h) of  
17 this Section by complying with the renewal requirements of  
18 subsection (b) of this Section.

19 (j) For purposes of subsections (h) and (i) of this  
20 Section:

21 "Active duty" means active duty pursuant to an executive  
22 order of the President of the United States, an act of the  
23 Congress of the United States, or an order of the Governor.

24 "Service member" means a member of the Armed Services or  
25 reserve forces of the United States or a member of the Illinois  
26 National Guard.

1 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
2 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
3 7-22-10; revised 9-2-10.)

4 (625 ILCS 5/6-106.11) (from Ch. 95 1/2, par. 6-106.11)

5 Sec. 6-106.11. (a) Any individual, corporation,  
6 partnership or association, who through contractual  
7 arrangements with a school district transports students,  
8 teachers or other personnel of that district for compensation,  
9 shall not permit any person to operate a school bus or any  
10 first division vehicle including taxis when used for a purpose  
11 that requires a school bus driver permit pursuant to that  
12 contract if the driver has not complied with the provisions of  
13 Sections 6-106.1 of this Code or such other rules or  
14 regulations that the Secretary of State may prescribe for the  
15 classification, restriction or licensing of school bus driver  
16 permit holders ~~drivers~~.

17 (a-5) Any individual, corporation, partnership,  
18 association, or entity that has a contractual arrangement  
19 referred to in subsection (a) of this Section must provide the  
20 school district with (i) the names of all drivers who will be  
21 operating a vehicle requiring a school bus driver permit  
22 pursuant to the contract with the school district; and (ii) a  
23 copy of each driver's school bus driver permit. Upon  
24 notification by the Secretary of State to the employer of the  
25 school bus driver permit holder that an employee's school bus

1 driver permit has been suspended or cancelled, the employer  
2 must notify the school district of the suspension or  
3 cancellation within 2 business days.

4 (a-10) An individual, corporation, partnership,  
5 association, or entity that has a contractual arrangement  
6 referred to in a subsection (a) of this Section may not:

7 (i) utilize a vehicle in the performance of the  
8 contract that has previously been in salvage or junk  
9 status; or

10 (ii) allow smoking in a vehicle while the vehicle is in  
11 the performance of the contract.

12 (b) A violation of this Section is a business offense and  
13 shall subject the offender to a fine of no less than \$1,000 nor  
14 more than \$10,000 for a first offense, no less than \$1,500 nor  
15 more than \$15,000 for a second offense, and no less than \$2,000  
16 nor more than \$20,000 for a third or subsequent offense. In  
17 addition to any fines imposed under this subsection, any  
18 offender who has been convicted three times under the  
19 provisions of subsection (a) shall, upon a fourth or subsequent  
20 conviction be prohibited from transporting or contracting to  
21 transport students, teachers or other personnel of a school  
22 district for a period of five years beginning with the date of  
23 conviction of such fourth or subsequent conviction.

24 (Source: P.A. 83-1286.)

1       Sec. 6-106.12. Contracts requiring school bus driver  
2 permits.

3       (a) No school district that contracts with any individual,  
4 corporation, partnership, association, or other entity to  
5 transport students, teachers, or other personnel of that  
6 district for compensation shall permit any person to operate a  
7 vehicle that requires a school bus driver permit pursuant to  
8 that contract if the driver has not complied with the  
9 provisions of Section 6-106.1 of this Code and other  
10 administrative rules governing the classification,  
11 restriction, or licensing of persons required to hold a school  
12 bus driver permit.

13       (b) A school district that has a contract of the type  
14 described in subsection (a) of this Section shall maintain a  
15 copy of the school bus driver permit of any person operating a  
16 vehicle that requires a school bus permit.

17       (625 ILCS 5/12-707.01) (from Ch. 95 1/2, par. 12-707.01)

18       Sec. 12-707.01. Liability insurance. No school bus, first  
19 division vehicle including a taxi which is used for a purpose  
20 that requires a school bus driver permit, commuter van or motor  
21 vehicle owned by or used for hire by and in connection with the  
22 operation of private or public schools, day camps, summer camps  
23 or nursery schools, and no commuter van or passenger car used  
24 for a for-profit ridesharing arrangement, shall be operated for  
25 such purposes unless the owner thereof shall carry a minimum of

1 personal injury liability insurance in the amount of \$1,000,000  
2 ~~\$25,000~~ for any one person in any one accident, and subject to  
3 the limit for one person, \$5,000,000 ~~\$100,000~~ for two or more  
4 persons injured by reason of the operation of the vehicle in  
5 any one accident.

6 (Source: P.A. 83-1091.)

7 (625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

8 Sec. 13-101. Submission to safety test; Certificate of  
9 safety. To promote the safety of the general public, every  
10 owner of a second division vehicle, medical transport vehicle,  
11 tow truck, first division vehicle including a taxi which is  
12 used for a purpose that requires a school bus driver permit, or  
13 contract carrier transporting employees in the course of their  
14 employment on a highway of this State in a vehicle designed to  
15 carry 15 or fewer passengers shall, before operating the  
16 vehicle upon the highways of Illinois, submit it to a "safety  
17 test" and secure a certificate of safety furnished by the  
18 Department as set forth in Section 13-109. Each second division  
19 motor vehicle that pulls or draws a trailer, semitrailer or  
20 pole trailer, with a gross weight of more than 8,000 lbs or is  
21 registered for a gross weight of more than 8,000 lbs, motor  
22 bus, religious organization bus, school bus, senior citizen  
23 transportation vehicle, and limousine shall be subject to  
24 inspection by the Department and the Department is authorized  
25 to establish rules and regulations for the implementation of

1 such inspections.

2 The owners of each salvage vehicle shall submit it to a  
3 "safety test" and secure a certificate of safety furnished by  
4 the Department prior to its salvage vehicle inspection pursuant  
5 to Section 3-308 of this Code. In implementing and enforcing  
6 the provisions of this Section, the Department and other  
7 authorized State agencies shall do so in a manner that is not  
8 inconsistent with any applicable federal law or regulation so  
9 that no federal funding or support is jeopardized by the  
10 enactment or application of these provisions.

11 However, none of the provisions of Chapter 13 requiring  
12 safety tests or a certificate of safety shall apply to:

13 (a) farm tractors, machinery and implements, wagons,  
14 wagon-trailers or like farm vehicles used primarily in  
15 agricultural pursuits;

16 (b) vehicles other than school buses, tow trucks and  
17 medical transport vehicles owned or operated by a municipal  
18 corporation or political subdivision having a population  
19 of 1,000,000 or more inhabitants and which are subject to  
20 safety tests imposed by local ordinance or resolution;

21 (c) a semitrailer or trailer having a gross weight of  
22 5,000 pounds or less including vehicle weight and maximum  
23 load;

24 (d) recreational vehicles;

25 (e) vehicles registered as and displaying Illinois  
26 antique vehicle plates;



1           (f) house trailers equipped and used for living  
2           quarters;

3           (g) vehicles registered as and displaying Illinois  
4           permanently mounted equipment plates or similar vehicles  
5           eligible therefor but registered as governmental vehicles  
6           provided that if said vehicle is reclassified from a  
7           permanently mounted equipment plate so as to lose the  
8           exemption of not requiring a certificate of safety, such  
9           vehicle must be safety tested within 30 days of the  
10          reclassification;

11          (h) vehicles owned or operated by a manufacturer,  
12          dealer or transporter displaying a special plate or plates  
13          as described in Chapter 3 of this Code while such vehicle  
14          is being delivered from the manufacturing or assembly plant  
15          directly to the purchasing dealership or distributor, or  
16          being temporarily road driven for quality control testing,  
17          or from one dealer or distributor to another, or are being  
18          moved by the most direct route from one location to another  
19          for the purpose of installing special bodies or equipment,  
20          or driven for purposes of demonstration by a prospective  
21          buyer with the dealer or his agent present in the cab of  
22          the vehicle during the demonstration;

23          (i) pole trailers and auxiliary axles;

24          (j) special mobile equipment;

25          (k) vehicles properly registered in another State  
26          pursuant to law and displaying a valid registration plate,

1       except vehicles of contract carriers transporting  
2       employees in the course of their employment on a highway of  
3       this State in a vehicle designed to carry 15 or fewer  
4       passengers are only exempted to the extent that the safety  
5       testing requirements applicable to such vehicles in the  
6       state of registration are no less stringent than the safety  
7       testing requirements applicable to contract carriers that  
8       are lawfully registered in Illinois;

9           (l) water-well boring apparatuses or rigs;

10          (m) any vehicle which is owned and operated by the  
11       federal government and externally displays evidence of  
12       such ownership; and

13          (n) second division vehicles registered for a gross  
14       weight of 8,000 pounds or less, except when such second  
15       division motor vehicles pull or draw a trailer,  
16       semi-trailer or pole trailer having a gross weight of or  
17       registered for a gross weight of more than 8,000 pounds;  
18       motor buses; religious organization buses; school buses;  
19       senior citizen transportation vehicles; medical transport  
20       vehicles and tow trucks.

21       The safety test shall include the testing and inspection of  
22       brakes, lights, horns, reflectors, rear vision mirrors,  
23       mufflers, safety chains, windshields and windshield wipers,  
24       warning flags and flares, frame, axle, cab and body, or cab or  
25       body, wheels, steering apparatus, and other safety devices and  
26       appliances required by this Code and such other safety tests as

1 the Department may by rule or regulation require, for second  
2 division vehicles, school buses, medical transport vehicles,  
3 tow trucks, first division vehicles including taxis which are  
4 used for a purpose that requires a school bus driver permit,  
5 vehicles designed to carry 15 or fewer passengers operated by a  
6 contract carrier transporting employees in the course of their  
7 employment on a highway of this State, trailers, and  
8 semitrailers subject to inspection.

9 For tow trucks, the safety test and inspection shall also  
10 include the inspection of winch mountings, body panels, body  
11 mounts, wheel lift swivel points, and sling straps, and other  
12 tests and inspections the Department by rule requires for tow  
13 trucks.

14 For trucks, truck tractors, trailers, semi-trailers, ~~and~~  
15 buses, and first division vehicles including taxis which are  
16 used for a purpose that requires a school bus driver permit,  
17 the safety test shall be conducted in accordance with the  
18 Minimum Periodic Inspection Standards promulgated by the  
19 Federal Highway Administration of the U.S. Department of  
20 Transportation and contained in Appendix G to Subchapter B of  
21 Chapter III of Title 49 of the Code of Federal Regulations.  
22 Those standards, as now in effect, are made a part of this  
23 Code, in the same manner as though they were set out in full in  
24 this Code.

25 The passing of the safety test shall not be a bar at any  
26 time to prosecution for operating a second division vehicle,

1 medical transport vehicle, or vehicle designed to carry 15 or  
2 fewer passengers operated by a contract carrier as provided in  
3 this Section which is unsafe as determined by the standards  
4 prescribed in this Code.

5 (Source: P.A. 92-108, eff. 1-1-02; 93-637, eff. 6-1-04.)

6 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

7 Sec. 13-109. Safety test prior to application for license -  
8 Subsequent tests - Repairs - Retest.

9 (a) Except as otherwise provided in Chapter 13, each second  
10 division vehicle, first division vehicle including a taxi which  
11 is used for a purpose that requires a school bus driver permit,  
12 and medical transport vehicle, except those vehicles other than  
13 school buses or medical transport vehicles owned or operated by  
14 a municipal corporation or political subdivision having a  
15 population of 1,000,000 or more inhabitants which are subjected  
16 to safety tests imposed by local ordinance or resolution,  
17 operated in whole or in part over the highways of this State,  
18 and each vehicle designed to carry 15 or fewer passengers  
19 operated by a contract carrier transporting employees in the  
20 course of their employment on a highway of this State, shall be  
21 subjected to the safety test provided for in Chapter 13 of this  
22 Code. Tests shall be conducted at an official testing station  
23 within 6 months prior to the application for registration as  
24 provided for in this Code. Subsequently each vehicle shall be  
25 subject to tests at least every 6 months, and in the case of

1 school buses and first division vehicles including taxis which  
2 are used for a purpose that requires a school bus driver  
3 permit, at least every 6 months or 10,000 miles whichever  
4 occurs first, and according to schedules established by rules  
5 and regulations promulgated by the Department. Any component  
6 subject to regular inspection which is damaged in a reportable  
7 accident must be reinspected before the bus or first division  
8 vehicle including a taxi which is used for a purpose that  
9 requires a school bus driver permit is returned to service.

10 (b) The Department shall also conduct periodic  
11 nonscheduled inspections of school buses, of buses registered  
12 as charitable vehicles and of religious organization buses. If  
13 such inspection reveals that a vehicle is not in substantial  
14 compliance with the rules promulgated by the Department, the  
15 Department shall remove the Certificate of Safety from the  
16 vehicle, and shall place the vehicle out-of-service. A bright  
17 orange, triangular decal shall be placed on an out-of-service  
18 vehicle where the Certificate of Safety has been removed. The  
19 vehicle must pass a safety test at an official testing station  
20 before it is again placed in service.

21 (c) If the violation is not substantial a bright yellow,  
22 triangular sticker shall be placed next to the Certificate of  
23 Safety at the time the nonscheduled inspection is made. The  
24 Department shall reinspect the vehicle after 3 working days to  
25 determine that the violation has been corrected and remove the  
26 yellow, triangular decal. If the violation is not corrected

1 within 3 working days, the Department shall place the vehicle  
2 out-of-service in accordance with procedures in subsection  
3 (b).

4 (d) If a violation is not substantial and does not directly  
5 affect the safe operation of the vehicle, the Department shall  
6 issue a warning notice requiring correction of the violation.  
7 Such correction shall be accomplished as soon as practicable  
8 and a report of the correction shall be made to the Department  
9 within 30 days in a manner established by the Department. If  
10 the Department has not been advised that the corrections have  
11 been made, and the violations still exist, the Department shall  
12 place the vehicle out-of-service in accordance with procedures  
13 in subsection (b).

14 (e) The Department is authorized to promulgate regulations  
15 to implement its program of nonscheduled inspections. Causing  
16 or allowing the operation of an out-of-service vehicle with  
17 passengers or unauthorized removal of an out-of-service  
18 sticker is a Class 3 felony. Causing or allowing the operation  
19 of a vehicle with a 3-day sticker for longer than 3 days with  
20 the sticker attached or the unauthorized removal of a 3-day  
21 sticker is a Class C misdemeanor.

22 (f) If a second division vehicle, first division vehicle  
23 including a taxi which is used for a purpose that requires a  
24 school bus driver permit, medical transport vehicle, or vehicle  
25 operated by a contract carrier as provided in subsection (a) of  
26 this Section is in safe mechanical condition, as determined

1 pursuant to Chapter 13, the operator of the official testing  
2 station must at once issue to the second division vehicle, first  
3 division vehicle including a taxi which is used for a  
4 purpose that requires a school bus driver permit, or medical  
5 transport vehicle a certificate of safety, in the form and  
6 manner prescribed by the Department, which shall be affixed to  
7 the vehicle by the certified safety tester who performed the  
8 safety tests. The owner of the second division vehicle, first  
9 division vehicle including a taxi which is used for a purpose  
10 that requires a school bus driver permit, or medical transport  
11 vehicle or the contract carrier shall at all times display the  
12 Certificate of Safety on the second division vehicle, first  
13 division vehicle including a taxi which is used for a purpose  
14 that requires a school bus driver permit, medical transport  
15 vehicle, or vehicle operated by a contract carrier in the  
16 manner prescribed by the Department.

17 (g) If a test shows that a second division vehicle, first  
18 division vehicle including a taxi which is used for a purpose  
19 that requires a school bus driver permit, medical transport  
20 vehicle, or vehicle operated by a contract carrier is not in  
21 safe mechanical condition as provided in this Section, it shall  
22 not be operated on the highways until it has been repaired and  
23 submitted to a retest at an official testing station. If the  
24 owner or contract carrier submits the vehicle to a retest at a  
25 different official testing station from that where it failed to  
26 pass the first test, he or she shall present to the operator of

1 the second station the report of the original test, and shall  
2 notify the Department in writing, giving the name and address  
3 of the original testing station and the defects which prevented  
4 the issuance of a Certificate of Safety, and the name and  
5 address of the second official testing station making the  
6 retest.

7 (Source: P.A. 92-108, eff. 1-1-02.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."